IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19868 of 2004

Between:

Country Recreation Club, rep. by its President P. Bhavani Prasad,
S/o Pushpa Raj, aged 29 years at H.No.19-892, Nagarjunanagar, Hanumanpet,
Miryalguda,Nalgonda District.

..... PETITIONER

AND

1. The Superintendent of Police, Nalgonda District at Nalgonda.
2. The Station House Officer, Miryalguda Police Station, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in obstructing the playing of rummy with stakes/syndicate by the members of the petitioner club as being arbitrary, illegal, unconstitutional and contrary to the judgment of the Hon'ble Supreme Court in State of A.P. Vs K. Satyanarayana reported in AIR 1968 SC 825 and in 2002 (5) ALT (DB) page 805 and consequently direct the respondents not to interfere with the playing of rummy with sakes/syndicate by the members of the petitioner club within the club premises.

Counsel for the Petitioner :MR.NAMAVARAPU RAJESWARA RAO

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

In the writ petition the petitioner is seeking a writ of Mandamus declaring the action of the respondents in obstructing the playing of rummy with stakes/syndicate by the members of the petitioner club as arbitrary and illegal and consequently direct the respondents not to interfere with the playing of rummy with stakes/syndicate by the members of the petitioner club within the club premises.

Heard both sides.

It has been represented by the learned counsel for the petitioner and also by the learned Government Pleader for Home that the issue involved in this writ petition is squarely covered by a Judgment of Division Bench of this Court in Writ Appeal No.1167 of 2002, dated 29.07.2002, wherein it is held as follows:

> "Therefore, the police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which already registered. The Writ Appeal is disposed of accordingly."

Following the same and for the reasons mentioned therein, the writ petition is disposed of in terms of the above decision of the Division Bench. No costs.

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29.10.2004

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To

1. The Superintendent of Police, Nalgonda District at Nalgonda.
2. The Station House Officer, Miryalguda Police Station, Nalgonda District.
3. Two copies to the G.P. for Home, High Court Buildings, Hyderabad. (OUT).
4. Two C.D. copies.